

1 COLETTE VOGELE (SBN No. 192865)  
Email: colette@vogelelaw.com  
2 BENJAMIN COSTA (SBN No. 245953)  
Email: ben@vogelelaw.com  
3 **VOGELE & ASSOCIATES**  
4 580 California Street, Suite 1600  
San Francisco, CA 94104  
5 Tel: (415) 751-5737  
6 Fax: (415) 358-4975  
Attorneys for Plaintiff  
7 VIOLET BLUE

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 VIOLET BLUE, an Individual,  
12 Plaintiff,  
13 v.

14 ADA MAE JOHNSON a/k/a ADA  
WOOFINDEN, an individual d/b/a  
15 VIOLET BLUE a/k/a VIOLET a/k/a  
VIOLET LUST; VIOLET BLUE, INC., a  
16 California Corporation; and DOES 1-10,  
17 Defendants.

Case No. C 07-5370 MJJ

**DECLARATION OF COLETTE VOGELE  
IN SUPPORT OF PLAINTIFF'S MOTION  
FOR LEAVE TO AMEND COMPLAINT**

Hon. Judge Jenkins  
Courtroom 11, 19th Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

**Hearing Date: January 29, 2008  
Hearing Time: 9:00 a.m.**

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19 I, Colette Vogele, declare as follows:

20 1. I am a member of the State Bar of California, admitted to practice before this  
21 Court, founding attorney of Vogele & Associates, and attorney of record for movant Violet Blue  
22 herein. The facts contained in this declaration are known personally to me and, if called as a  
23 witness, I could and would testify competently thereto under oath.

24 2. Attached hereto as Exhibit **1** is a true and correct copy of Plaintiff's Proposed  
25 First Amended Complaint.

26 3. Attached hereto as Exhibit **2** is a true and correct copy of a redline showing the  
27 changes between Plaintiff's initial Complaint and the Proposed First Amended Complaint.  
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1           4.       On October 25, 2007, Defendant Johnson contacted me by telephone after  
2 Defendant Johnson received service of Plaintiff's Complaint. During the October 25 phone  
3 conversation, I cautioned Defendant Johnson to obtain counsel before responding to the  
4 Complaint and told her she had twenty days in which to file her response. . Defendant Johnson  
5 explained that she did not plan to hire an attorney. She also told me that "Violet Blue Inc." does  
6 not exist, Bill Fox "hosts" the [www.violetblue.org](http://www.violetblue.org) website, Mr. Fox receives payment based on  
7 the sale of content from the [www.violetblue.org](http://www.violetblue.org) website, and after Mr. Fox and a "webmaster"  
8 are paid, Defendant Johnson receives fifty percent (50%) of the remaining revenue. Finally,  
9 Defendant Johnson gave me her phone number for future contact.

10           5.       Attached hereto as Exhibit **3** is a true and correct copy of the November 6, 2007,  
11 email correspondence between Defendant Johnson and me wherein I again informed Defendant  
12 Johnson that I represented the Plaintiff Violet Blue, and could not represent or advise Defendant  
13 Johnson. I also advised Defendant Johnson again that she should attempt to obtain counsel,  
14 informed her of resources for finding pro bono counsel in her area if she could not afford to pay  
15 for an attorney, and informed her she had until November 12, 2007, to file her response to the  
16 Complaint.

17           6.       On the morning of November 9, 2007, I received a phone call from Robert  
18 Apgood, an attorney licensed in Washington State, informing me that he would be representing  
19 Defendant Johnson in this action. He asked for Plaintiff's consent to a motion and I indicated I  
20 needed to check with Plaintiff. In the early afternoon that same day, I left Mr. Apgood a voice  
21 message to which I never received a response.

22           7.       Attached hereto as Exhibit **4** is a true and correct copy of the domain name  
23 registration for the internet domain name [www.violetblue.org](http://www.violetblue.org), which, at the time of the filing of  
24 the Complaint, provided "Violet Blue Inc." as the domain registrant.

25           8.       Attached hereto as Exhibit **5** is a true and correct copy of an email message I  
26 received from Paul Miloknay, counsel for Violet Blue Inc., dated November 6, 2007, attaching a  
27 copy of his letter dated October 31, 2007, to Defendant Johnson. Mr. Miloknay's letter indicates  
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1 that Violet Blue Inc. has no involvement with Defendant Johnson's website,  
2 [www.VioletBlue.org](http://www.VioletBlue.org), and requests that Defendant Johnson cease and desist all use of the name  
3 Violet Blue Inc.

4 9. Attached hereto as Exhibit **6** is a true and correct copy of the current domain  
5 name registration information for the internet domain [www.violetblue.org](http://www.violetblue.org) domain name  
6 registration indicating that "David Claiborne" is now the registrant with an address of PO Box  
7 171, Pacific Beach, Washington 98571.

8 10. Attached hereto as Exhibit **7** is a printout dated December 18, 2007, from  
9 ainews.com (<http://ainews.com/story/12193/>), the Adult Industry News website, which is an  
10 article authored by Defendant Johnson using the name "Violet Blue" as her byline in which she  
11 identifies her address as PO Box 171, Pacific Beach WA, 98571.

12 11. On December 5, 2007, I spoke by telephone with Defendant Johnson's counsel,  
13 Mr. Apgood. In that conversation, I informed him of Plaintiff's request for Defendant's consent  
14 to amend the Complaint to add defendants identified in Defendant Johnson's answer and others.  
15 Mr. Apgood refused to agree to the anticipated amendment.

16 12. Attached hereto as Exhibit **8** is a true and correct copy of a printout dated  
17 December 18, 2007, from AssassinPictures.com (<http://www.assassinpictures.com/services/>) that  
18 describes internet services provided to users in setting up and operating commercial  
19 pornographic websites.

20 13. Attached hereto as Exhibit **9** is a true and correct copy of a printout dated  
21 December 18, 2007, from AssassinCash.com (<http://www.assassincash.com/>) that describes  
22 internet services provided to users in setting up and operating commercial pornographic  
23 websites. This page also indicates that "VioletBlue.org" is one of AsassinCash.com's customers  
24 ("our sites") which users can include in their AssassinCash.com websites to "begin cashing in  
25 with some of the biggest names in the adult industry!"

26 14. Attached hereto as Exhibit **10** is a true and correct copy of a printout of the front  
27 page of VioletBlue.org (<http://xxx.violetblue.org/>) dated December 18, 2007, indicating that  
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1 VioletBlue.org operates using services provided by AssassinPictures.com and  
2 AssassinCash.com.

3 15. Attached hereto as Exhibit **11** is a true and correct copy of a printout dated  
4 December 18, 2007, from AssassinPictures.com  
5 (<http://www.assassinpictures.com/about/clients.php>) indicating Defendant Johnson, operating  
6 under the performance name "Violet Blue," is a client that provides pornographic content.

7 16. Attached hereto as Exhibit **12** is a true and correct copy of a printout dated  
8 December 18, 2007, from AssassinCash.com (<http://www.assassincash.com/banners.php>)  
9 providing "Assassin Cash Website Banners" that link to Defendant Johnson's website,  
10 VioletBlue.org, for users setting up commercial pornographic websites.

11 17. Attached hereto as Exhibit **13** is a true and correct copy of a printout dated  
12 December 18, 2007, from FiveStarFC.com (<http://www.fivestarc.com/webmasters.asp>)  
13 indicating that Five Star is a distributor of adult movies and toys.

14 18. Attached hereto as Exhibit **14** is a true and correct copy of a printout dated  
15 December 18, 2007, from AssassinPictures.com (<http://www.assassinpictures.com/contact/>)  
16 which provides Bill Fox as the sole contact person.

17 19. Attached hereto as Exhibit **15** is a true and correct copy of a printout dated  
18 December 18, 2007, from AssassinCash.com (<http://www.assassincash.com/contact.php>), which  
19 provides [Bill@AssassinPictures.com](mailto:Bill@AssassinPictures.com) as a contact person.

20 20. Attached hereto as Exhibit **16** is a true and correct copy of a printout dated  
21 December 18, 2007, from VioletBlue.org (<http://xxx.violetblue.org/2257.html>) which provides  
22 "Bill Fox" of "Assassin Pictures" as the contact person under 18 U.S.C. § 2257.

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1 I declare under penalty of perjury under the laws of the State of California that the  
2 foregoing is true and correct. Executed this 21st day of December, 2007, at San Francisco,  
3 California.

4 \_\_\_\_\_ /S/ Colette Vogele

5 Colette Vogele  
6 Attorneys for Plaintiff  
7 VIOLET BLUE  
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